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[COMMITTEE PRINT]

OCTOBER 20, 2005

1 **TITLE I—DIGITAL TELEVISION** 2 **TRANSITION**

3 **SECTION 101. SHORT TITLE.**

4 This title may be cited as the "Digital Television
5 Transition Act of 2005".

6 **SEC. 102. FINDINGS.**

7 The Congress finds the following:

8 (1) A loophole in current law is stalling the dig-
9 ital television (DTV) transition and preventing the
10 return of spectrum for critical public safety and
11 wireless broadband uses.

12 (A) In 1996, to facilitate the DTV transi-
13 tion, Congress gave each full-power television
14 broadcaster an extra channel of spectrum to
15 broadcast in digital format while continuing to
16 broadcast in analog format on its original chan-
17 nel. Each broadcaster was supposed to eventu-
18 ally return either the original or additional
19 channel and broadcast exclusively in digital for-
20 mat on the remaining channel.



1 (B) In 1997, Congress earmarked for pub-
2 lic safety use some of the spectrum the broad-
3 casters are supposed to return. Congress des-
4 ignated the rest of the spectrum to be auctioned
5 for advanced commercial applications, such as
6 wireless broadband services. Congress set De-
7 cember 31, 2006, as the deadline for broad-
8 casters to return the spectrum for public safety
9 and wireless use.

10 (C) A loophole, however, allows broad-
11 casters in a market to delay the return of the
12 spectrum until more than 85 percent of tele-
13 vision households in that market have at least
14 one television with access to digital broadcast
15 channels using a digital television receiver, a
16 digital-to-analog converter box, or cable or sat-
17 ellite service. Experts forecast it will take many
18 more years to meet the 85-percent test nation-
19 wide.

20 (2) Eliminating the 85-percent test and setting
21 a "hard deadline" will close the loophole, making
22 possible the nationwide clearing necessary to com-
23 plete the DTV transition and free the spectrum for
24 public safety use.



1 (A) Some police officers, firefighters, and
2 rescue personnel already have equipment to
3 communicate over the spectrum the broad-
4 casters are supposed to return, and are just
5 awaiting the turnover. Many more public safety
6 officials cannot purchase equipment or begin
7 planning without a date certain for the avail-
8 ability of the spectrum.

9 (B) Five years to the day before Sep-
10 tember 11, 2001, an advisory committee report
11 to the Federal Communications Commission
12 (FCC) noted that public safety officials des-
13 perately needed more spectrum to better com-
14 municate with each other in times of emer-
15 gency. The 9/11 Commission has specifically
16 recognized the importance of clearing for public
17 safety use the spectrum at issue here, especially
18 following the terrorist attacks on the Pentagon
19 and the World Trade Center. The spectrum is
20 also important for communications during nat-
21 ural disasters.

22 (3) The certainty of a nationwide hard deadline
23 will enable consumers, industry, and government to
24 take the necessary steps to make the transition as
25 smooth as possible.



1 (A) Under existing law, once a market
2 meets the 85-percent penetration test, the re-
3 maining 15 percent of households in the market
4 would lose access to broadcast programming
5 unless they obtain a digital television receiver,
6 a digital-to-analog converter box, or cable or
7 satellite service.

8 (B) Determining when the 85-percent test
9 in current law has been met in a particular
10 market would be extremely difficult for the
11 FCC to accomplish. Moreover, because no one
12 can predict precisely when any market will meet
13 the 85-percent test, and because different mar-
14 kets will meet the test at different times, con-
15 sumers, industry, and government cannot ade-
16 quately plan on a either a local or nationwide
17 basis.

18 (C) With a hard deadline, government, in-
19 dustry, and consumer groups can develop con-
20 crete plans for consumer education. Manufac-
21 turers can build large quantities of low-cost dig-
22 ital-to-analog converter boxes for consumers
23 who wish to continue using their analog tele-
24 visions. Clearing the spectrum on a unified, na-
25 tionwide basis will also enable the government



1 to maximize the revenue from the auction.
2 Some of that revenue can be used to help make
3 the converter boxes available.

4 (D) The deadline will have little impact on
5 most television households. The vast majority of
6 households already subscribe to cable or sat-
7 ellite services. Allowing cable and satellite oper-
8 ators to convert digital broadcasts into an ana-
9 log-viewable format will enable their subscribers
10 that wish to continue using analog televisions to
11 do so.

12 (4) Setting a hard deadline will bring con-
13 sumers and the economy the benefits of the DTV
14 transition faster.

15 (A) DTV offers sharper and wider pic-
16 tures, and CD-quality sound. Even consumers
17 with analog televisions connected to a converter
18 box or cable or satellite service will receive bet-
19 ter service than they did before the transition.

20 (B) Once the transition is complete, broad-
21 casters can redirect the resources they currently
22 expend running both analog and digital stations
23 and focus on programming that capitalizes on
24 the advanced features of digital transmissions.
25 Manufacturers can also increase the production



1 of televisions and other consumer electronics
2 equipment that takes advantage of these fea-
3 tures, which will also drive down prices.

4 (C) The cleared spectrum can be used to
5 bring cutting-edge wireless services to public
6 safety officials and consumers. This spectrum
7 travels greater distances at lower costs, and
8 more easily penetrates buildings and foliage.
9 Consequently, it is ideal to bring mobile
10 broadband services not only to urban areas, but
11 to rural areas as well, which currently have very
12 few cost-effective broadband options.

13 (D) The increase in DTV programming,
14 services, and equipment, and the provision of
15 products and services that use the cleared spec-
16 trum, will improve America's global competitive-
17 ness and result in significant investment and
18 innovation, boosting our economy and fostering
19 new jobs

20 **SEC. 103. ANALOG SPECTRUM RECOVERY: HARD DEADLINE.**

21 (a) AMENDMENTS.—Section 309(j)(14) of the Com-
22 munications Act of 1934 (47 U.S.C. 309(j)(14)) is
23 amended—

24 (1) in subparagraph (A), by striking “December
25 31, 2006” and inserting “December 31, 2008”;



1 (2) by striking subparagraph (B);

2 (3) in subparagraph (C)(i)(I), by striking “or
3 (B)”;

4 (4) in subparagraph (D), by striking “subpara-
5 graph (C)(i)” and inserting “subparagraph (B)(i”;
6 and

7 (5) by redesignating subparagraphs (C) and
8 (D) as subparagraphs (B) and (C), respectively.

9 (b) IMPLEMENTATION.—

10 (1) DTV ALLOTMENT TABLE OF IN-CORE
11 CHANNELS FOR FULL-POWER STATIONS.—The Fed-
12 eral Communications Commission shall—

13 (A) release by December 31, 2006, a re-
14 port and order in MB Docket No. 03–15 as-
15 signing all full-power broadcast television sta-
16 tions authorized in the digital television service
17 a channel between channels 2 and 36, inclusive,
18 or 38 and 51, inclusive (between frequencies 54
19 and 698 megahertz, inclusive);

20 (B) release by July 31, 2007, any recon-
21 sideration of such report and order; and

22 (C) not adopt any further changes between
23 July 31, 2007, and January 1, 2009, to the
24 channels assigned to full-power broadcast tele-
25 vision stations for the provision of digital tele-



1 vision service unless doing so is necessary for
2 reasons of public safety or necessary to prevent
3 a delay in the end of broadcasting by full-power
4 stations in the analog television service.

5 (2) STATUS REPORTS.—Beginning with a re-
6 port on January 31, 2006, and ending with a report
7 on July 31, 2007, the Commission shall submit re-
8 ports to the Committee on Energy and Commerce of
9 the House of Representatives and the Committee on
10 Commerce, Science, and Transportation of the Sen-
11 ate every six months on the status of international
12 coordination with Canada and Mexico of the digital
13 television service table of allotments.

14 (3) TERMINATIONS OF ANALOG LICENSES AND
15 BROADCASTING.—The Federal Communications
16 Commission shall take such actions as are necessary
17 to terminate all licenses for full-power television sta-
18 tions in the analog television service and to require
19 the cessation of broadcasting by full-power stations
20 in the analog television service by January 1, 2009.

21 (c) TECHNICAL AMENDMENT.—Paragraph (15) of
22 section 309(j) of the Communications Act of 1934 (47
23 U.S.C. 309(j)), as added by section 203(b) of the Com-
24 mercial Spectrum Enhancement Act (P.L. 108–494; 118



1 Stat. 3993), is redesignated as paragraph (16) of such
2 section.

3 **SEC. 104. AUCTION OF RECOVERED SPECTRUM.**

4 (a) DEADLINE FOR AUCTION.—Section
5 309(j)(15)(C) of the Communications Act of 1934 (47
6 U.S.C. 309(j)(15)(C)) is amended by adding at the end
7 the following new clauses:

8 “(v) ADDITIONAL DEADLINES FOR RE-
9 COVERED ANALOG SPECTRUM.—Notwith-
10 standing subparagraph (B), the Commis-
11 sion shall conduct the auction of the li-
12 censes for recovered analog spectrum by
13 commencing the bidding not later than
14 January 7, 2008, and shall deposit the
15 proceeds of such auction in accordance
16 with paragraph (8)(E)(i) not later than
17 June 30, 2008.

18 “(vi) RECOVERED ANALOG SPEC-
19 TRUM.—For purposes of clause (v), the
20 term ‘recovered analog spectrum’ means
21 the spectrum between channels 52 and 69,
22 inclusive (between frequencies 698 and 806
23 megahertz, inclusive) reclaimed from ana-
24 log television service broadcasting under
25 paragraph (14), other than—



1 “(I) the spectrum required by
2 section 337 to be made available for
3 public safety services; and

4 “(II) the spectrum auctioned
5 prior to the date of enactment of the
6 Digital Television Transition Act of
7 2005.”.

8 (b) EXTENSION OF AUCTION AUTHORITY.—Para-
9 graph (11) of section 309(j) of such Act is repealed.

10 **SEC. 105. DIGITAL TELEVISION CONVERSION FUND.**

11 (a) RESERVATION OF AUCTION PROCEEDS TO ASSIST
12 CONVERSION.—Section 309(j)(8) of the Communications
13 Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

14 (1) in subparagraph (A), by striking “subpara-
15 graph (B) or subparagraph (D)” and inserting “sub-
16 paragraphs (B), (D), and (E)”;

17 (2) in subparagraph (C)(i), by inserting before
18 the semicolon at the end the following: “, except as
19 otherwise provided in subparagraph (E)(i)”; and

20 (3) by adding at the end the following new sub-
21 paragraph:

22 “(E) TRANSFER OF REVENUES FOR DIG-
23 ITAL TELEVISION CONVERSION.—

24 “(i) PROCEEDS FOR DTV CONVERSION
25 FUND.—Notwithstanding subparagraph



1 (A), of the proceeds (including deposits
2 and upfront payments from successful bid-
3 ders) from the use of a competitive bidding
4 system under this subsection with respect
5 to recovered analog spectrum—

6 “(I) \$990,000,000 shall be de-
7 posited in a separate fund in the
8 Treasury to be known as the ‘Digital
9 Television Conversion Fund’, and be
10 available exclusively to carry out sec-
11 tion 159 of the National Tele-
12 communications and Information Ad-
13 ministration Organization Act; and

14 “(II) the remainder of such pro-
15 ceeds shall be deposited in the Treas-
16 ury in accordance with chapter 33 of
17 title 31, United States Code.

18 “(ii) RECOVERED ANALOG SPEC-
19 TRUM.—For purposes of clause (i), the
20 term ‘recovered analog spectrum’ has the
21 meaning provided in paragraph
22 (15)(C)(vi).”.

23 (b) CONVERTER BOX PROGRAM.—Part C of the Na-
24 tional Telecommunications and Information Administra-



tion Organization Act is amended by adding at the end
the following new section:

**“SEC. 159. DIGITAL-TO-ANALOG CONVERTER BOX PRO-
GRAM.**

“(a) CREATION OF PROGRAM.—The Assistant
Secretary—

“(1) shall use the funds available under sub-
section (d) of this section to implement and admin-
ister a program through which households in the
United States may obtain, upon request, up to two
coupons that can be applied toward the purchase of
digital-to-analog converter boxes, subject to the re-
strictions in this section and the regulations created
thereunder; and

“(2) may award one or more contracts (includ-
ing a contract with another Federal agency) for the
administration of some or all of the program.

“(b) PROGRAM SPECIFICATIONS.—

“(1) FORM OF COUPON REQUEST.—The regula-
tions under this section shall prescribe the contents
of the coupon request form and the information any
household seeking a coupon shall provide on the
form. The coupon request form shall be required to
include instructions for its use and also describe, at
a minimum, the requirements and limitations of the



1 program, the ways in which the form and the infor-
2 mation the household provides will be used, and to
3 whom the form and the information will be dis-
4 closed.

5 “(2) DISTRIBUTION OF COUPON REQUEST
6 FORMS.—

7 “(A) PAPER AND ELECTRONIC FORMS.—

8 The Assistant Secretary shall provide for the
9 distribution of paper coupon request forms at
10 Government buildings, including post offices.

11 The Assistant Secretary shall provide for the
12 availability to households of electronic coupon
13 request forms, and may permit such forms to
14 be submitted electronically.

15 “(B) ADDITIONAL DISTRIBUTION.—If the
16 Assistant Secretary determines that doing so
17 would make the program more successful and
18 easier for consumers to participate in, paper
19 and electronic coupon request forms shall also
20 be distributed by such private entities as the
21 Assistant Secretary shall specify (such as retail-
22 ers, manufacturers, broadcasters, and consumer
23 groups) and shall be distributed in the manner
24 specified by the Assistant Secretary.

25 “(3) LIMITATIONS.—



1 “(A) TWO-PER-HOUSEHOLD MAXIMUM.—A
2 household may obtain coupons only by making
3 a request as required by the regulations under
4 this section. Any request must be made between
5 January 1, 2008, and January 31, 2009, inclu-
6 sive. The Assistant Secretary shall ensure that
7 each requesting household receives no more
8 than two coupons.

9 “(B) NO COMBINATIONS OF COUPONS.—
10 Two coupons may not be used in combination
11 toward the purchase of a single digital-to-ana-
12 log converter box.

13 “(C) DURATION.—All coupons shall expire
14 at the close of March 31, 2009.

15 “(4) DISTRIBUTION OF COUPONS.—

16 “(A) Coupons shall be distributed to re-
17 questing households by mail and each coupon
18 shall be issued in the name of a member of the
19 requesting household, and shall include a
20 unique identification number as well as any
21 other measures the Assistant Secretary deems
22 necessary to minimize fraud, counterfeiting, du-
23 plication, and other unauthorized use.

24 “(B) Included on or provided with each
25 coupon shall be, at a minimum, instructions for



1 the coupon's use and a description of the cou-
2 pon's limitations.

3 "(C) The Assistant Secretary shall expend
4 not more than \$160,000,000 on administrative
5 expenses and shall ensure that the sum of all
6 administrative expenses for the program and
7 the total maximum value of all the coupons
8 issued does not exceed \$990,000,000.

9 "(5) QUALIFYING PURCHASES.—

10 "(A) QUALIFYING BOX.—The regulations
11 shall specify methods for determining and iden-
12 tifying the converter boxes that meet the defini-
13 tion in subsection (f).

14 "(B) COUPON VALUE.—The value of each
15 coupon shall be \$40.

16 "(6) REDEMPTION OF COUPONS.—No coupon
17 shall be redeemed except upon submission of reason-
18 able proof that the individual redeeming the coupon
19 is the individual named on the coupon, and such ad-
20 ditional information as is required by the regulations
21 under this section. In the case of retail distribution
22 of digital-to-analog converter boxes over the Internet
23 or by telephone, submission of a valid credit card
24 number issued in the name of the household mem-
25 ber, the unique identification number on the coupon,



1 the address of the household, and such other infor-
2 mation as is required by the regulations under this
3 section shall be reasonable proof of identity, except
4 that the redemption of coupons over the Internet or
5 by telephone shall be prohibited if the Assistant Sec-
6 retary determines that such redemption would be
7 unreasonably susceptible to fraud or other abuse.

8 “(7) RETAILER CERTIFICATION.—

9 “(A) Any retailer desiring to qualify for
10 coupon reimbursement under this section shall,
11 in accordance with the regulations under this
12 section, be required to undergo a certification
13 process to qualify for participation in the pro-
14 gram.

15 “(B) As part of the certification process,
16 retailers shall be informed of the program’s de-
17 tails and their rights and obligations, including
18 their obligations to honor all valid coupons that
19 are tendered in the authorized manner, and to
20 keep a reasonable number of eligible converter
21 boxes in stock.

22 “(8) COUPON REIMBURSEMENT AND RETAILER
23 AUDITING.—

24 “(A) REIMBURSEMENT.—The regulations
25 under this section shall establish the process by



1 which retailers may seek and obtain reimburse-
2 ment for the coupons, and shall include the op-
3 tion for retailers to seek and obtain reimburse-
4 ment electronically.

5 “(B) AUDITS.—Such regulations shall es-
6 tablish procedures for the auditing of retailer
7 reimbursements.

8 “(9) APPEALS.—The regulations under this sec-
9 tion shall establish an appeals process for the review
10 and resolution of complaints—

11 “(A) by a household alleging that—

12 “(i) the household was improperly de-
13 nied a coupon;

14 “(ii) a valid coupon properly tendered
15 was not honored; or

16 “(iii) the household was otherwise
17 harmed by another violation of this section
18 or such regulations; or

19 “(B) by a retailer of digital-to-analog con-
20 verter boxes alleging that the retailer was im-
21 properly denied reimbursement for a valid cou-
22 pon properly tendered and accepted under this
23 section or such regulations.

24 “(10) ENFORCEMENT.—The regulations under
25 this section shall provide for the termination of eligi-



1 bility to participate in the program for retailers or
2 households that engage in fraud, misrepresentation,
3 or other misconduct in connection with the program,
4 or that otherwise violate this section or such regula-
5 tions.

6 “(11) PROGRESS REPORT.—Beginning with a
7 report on March 31, 2008, and ending with a report
8 on June 30, 2009, the Assistant Secretary shall sub-
9 mit reports to the Committee on Energy and Com-
10 merce of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of
12 the Senate, every three months summarizing the
13 progress of coupon distribution and redemption, in-
14 cluding how many coupons are being distributed and
15 redeemed, and how quickly.

16 “(c) PRIVACY.—The program under this section shall
17 ensure that personally identifiable information collected in
18 connection with the program under this section is not used
19 or shared for any other purpose than as described in this
20 section, except as otherwise required or authorized by law.
21 For purposes of this subsection, the term ‘personally iden-
22 tifiable information’ shall have the same meaning as pro-
23 vided in section 338(i)(2).

24 “(d) AVAILABILITY OF FUNDS.—



1 “(1) IN GENERAL.—From the Digital Tele-
2 vision Conversion Fund established by section
3 309(j)(8)(E)(i)(I) of the Communications Act of
4 1934, there shall be available to carry out this sec-
5 tion such sums as may be necessary for fiscal years
6 2008 and 2009. Any sums that remain unexpended
7 in the Fund at the end of fiscal year 2009 shall re-
8 vert to and be deposited in the general fund of the
9 Treasury.

10 “(2) CREDIT.—The Assistant Secretary may
11 borrow from the Treasury such sums as may be nec-
12 essary not to exceed \$990,000,000 to implement and
13 administer the program in accordance with this sec-
14 tion. The Assistant Secretary shall reimburse the
15 Treasury, without interest, as funds are deposited
16 into the Digital Television Conversion Fund under
17 section 309(j)(8)(E) of such Act.

18 “(e) IMPLEMENTATION.—The Secretary shall pro-
19 mulgate, within 9 months after the date of enactment of
20 the Digital Television Transition Act of 2005, such regula-
21 tions as are necessary to carry out this section.

22 “(f) DEFINITION.—For purposes of this section:

23 “(1) DIGITAL-TO-ANALOG CONVERTER BOX.—
24 The term ‘digital-to-analog converter box’ means a
25 stand-alone device that does not contain features or



1 functions except those necessary to enable a con-
2 sumer to convert any channel broadcast in the dig-
3 ital television service into a format that the con-
4 sumer can display on television receivers designed to
5 receive and display signals in the analog television
6 service but not to receive and display signals in the
7 digital television service.

8 “(2) HOUSEHOLD.—The term ‘household’
9 means the residents at a residential street or rural
10 route address, and shall not include a post office
11 box.”.

12 **SEC. 106. CONSUMER EDUCATION REGARDING ANALOG**
13 **TELEVISIONS.**

14 (a) COMMISSION AUTHORITY.—Section 303 of the
15 Communications Act of 1934 (47 U.S.C. 303) is amended
16 by adding at the end the following new subsection:

17 “(z) Require the consumer education measures speci-
18 fied in section 330(d) in the case of apparatus designed
19 to receive television signals that—

20 “(1) are shipped in interstate commerce or
21 manufactured in the United States;

22 “(2) have an integrated display screen or are
23 sold in a bundle with a display screen; and

24 “(3) are not capable of receiving broadcast sig-
25 nals in the digital television service.”.



1 (b) CONSUMER EDUCATION REQUIREMENTS.—Sec-
2 tion 330 of the Communications Act of 1934 (47 U.S.C.
3 330) is amended—

4 (1) in subsection (d), by striking “sections
5 303(s), 303(u), and 303(x)” and inserting “sub-
6 sections (s), (u), (x), and (z) of section 303”;

7 (2) by redesignating subsection (d) as sub-
8 section (e); and

9 (3) by inserting after subsection (c) the fol-
10 lowing new subsection:

11 “(d) CONSUMER EDUCATION REGARDING ANALOG
12 TELEVISION RECEIVERS.—

13 “(1) REQUIREMENTS FOR MANUFACTURERS.—
14 Any manufacturer of any apparatus described in
15 section 303(z) shall—

16 “(A) place in a conspicuous place on any
17 such apparatus that such manufacturer ships in
18 interstate commerce or manufactures in the
19 United States after 180 days after the date of
20 enactment of the Digital Television Transition
21 Act of 2005, a label containing, in clear and
22 conspicuous print, the warning language re-
23 quired by paragraph (3); and

24 “(B) also include after 180 days after the
25 date of enactment of the Digital Television



1 Transition Act of 2005, such warning language
2 on the outside of the retail packaging of such
3 apparatus, in a conspicuous place and in clear
4 and conspicuous print, in a manner that cannot
5 be removed.

6 “(2) REQUIREMENTS FOR RETAIL DISTRIBUTORS.—Any retail distributor shall place conspicu-
7 ously in the vicinity of each apparatus described in
8 section 303(z) that such distributor displays for sale
9 or rent after 45 days after the date of enactment of
10 the Digital Television Transition Act of 2005, a sign
11 containing, in clear and conspicuous print, the warn-
12 ing language required by paragraph (3). In the case
13 of a retail distributor vending such apparatus via di-
14 rect mail, catalog, or electronic means, such as dis-
15 plays on the Internet, the warning language required
16 by such paragraph shall be prominently displayed, in
17 clear and conspicuous print, in the vicinity of any
18 language describing the product.

19
20 “(3) WARNING LANGUAGE.—The warning lan-
21 guage required by this paragraph shall read as fol-
22 lows: ‘This television has only an analog broadcast
23 tuner. After December 31, 2008, television broad-
24 casters will broadcast only in digital format. You will
25 then need to connect this television to a digital-to-



1 analog converter box or cable or satellite service if
2 you wish to receive broadcast programming. The de-
3 vice, if any, that a cable or satellite subscriber will
4 need to connect to an analog television will depend
5 on the cable or satellite service provider. The tele-
6 vision should continue to work as before, however,
7 with devices such as VCRs, digital video recorders,
8 DVD players, and video game systems. For more in-
9 formation, call the Federal Communications Com-
10 mission at 1-888-225-5322 (TTY: 1-888-835-
11 5322) or visit the Commission's website at:
12 www.fcc.gov.'.

13 “(4) COMMISSION AND NTIA OUTREACH.—Be-
14 ginning within one month after the date of enact-
15 ment of the Digital Television Transition Act of
16 2005, the Commission and the National Tele-
17 communications and Information Administration
18 shall engage, either jointly or separately, in a public
19 outreach program, including the distribution of ma-
20 terials on their web sites and in Government build-
21 ings, such as post offices, to educate consumers re-
22 garding the digital television transition. The Com-
23 mission and the National Telecommunications and
24 Information Administration may seek public com-
25 ment in crafting their public outreach program, and



1 may seek the assistance of private entities, such as
2 broadcasters, manufacturers, retailers, cable and
3 satellite operators, and consumer groups in admin-
4 istering the public outreach program. The program
5 shall educate consumers about—

6 “(A) the deadline for termination of analog
7 television broadcasting;

8 “(B) the options consumers have after
9 such termination to continue to receive broad-
10 cast programming; and

11 “(C) the converter box program under sec-
12 tion 159 of the National Telecommunications
13 and Information Administration Organization
14 Act.

15 “(5) ADDITIONAL DISCLOSURES.—

16 “(A) ANNOUNCEMENTS AND NOTICES RE-
17 QUIRED.—From January 1, 2008, through De-
18 cember 31, 2008—

19 “(i) each television broadcaster shall
20 air, at a minimum, two 60-second public
21 service announcements per day, one during
22 the 8 to 9 a.m. hour and one during the
23 8 to 9 p.m. hour; and

24 “(ii) each multichannel video program
25 distributor (as such term is defined in sec-



1 tion 602 of this Act) shall include a notice
2 in any periodic bill.

3 “(B) CONTENTS OF ANNOUNCEMENTS AND
4 NOTICES.—The announcements and notices re-
5 quired by subparagraphs (A)(i) and (A)(ii), re-
6 spectively, shall state, at a minimum, that:
7 ‘After December 31, 2008, television broad-
8 casters will broadcast only in digital format.
9 You will then no longer be able to receive
10 broadcast programming on analog-only tele-
11 visions unless those televisions are connected to
12 a digital-to-analog converter box or a cable or
13 satellite service. The device, if any, that a cable
14 or satellite subscriber will need to connect to an
15 analog television will depend on the cable or
16 satellite service provider. Analog-only televisions
17 should continue to work as before, however,
18 with devices such as VCRs, digital video record-
19 ers, DVD players, and video game systems. You
20 may be eligible for up to two coupons toward
21 the purchase of up to two converter-boxes. For
22 more information, call the Federal Communica-
23 tions Commission at 1-888-225-5322 (TTY:
24 1-888-835-5322) or visit the Commission’s
25 website at: www.fcc.gov.’



1 “(6) REPORT REQUIRED.—Beginning January
2 31, 2006, and ending July 31, 2008, the Commis-
3 sion and the National Telecommunications and In-
4 formation Administration, either jointly or sepa-
5 rately, shall submit reports every six months to the
6 Committee on Energy and Commerce of the House
7 of Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate, on the
9 Commission’s and such Administration’s consumer
10 education efforts, as well as the consumer education
11 efforts of broadcasters, cable and satellite operators,
12 consumer electronics manufacturers, retailers, and
13 consumer groups. The Commission and such Admin-
14 istration may solicit public comment in preparing
15 their reports.”.

16 (c) PRESERVING AND EXPEDITING TUNER MAN-
17 DATES.—The Federal Communications Commission—

18 (1) shall, within 30 days after the date of en-
19 actment of this Act revise the digital television re-
20 ception capability implementation schedule under
21 section 15.117(i) of its regulations (47 CFR
22 15.117(i)) to require, in the case of television recep-
23 tion devices that have, or are sold in a bundle with,
24 display screens sized 13 to 24 inches, inclusive, that



1 100 percent of all such units must include digital
2 television tuners effective March 1, 2007; and

3 (2) shall not make any other changes that ex-
4 tend or otherwise delay the digital television recep-
5 tion capability implementation schedule for television
6 reception devices that have, or are sold in a bundle
7 with, display screens.

8 **SEC. 107. ADDITIONAL PROVISIONS.**

9 (a) **DIGITAL-TO-ANALOG CONVERSION.**—Section
10 614(b) of the Communications Act of 1934 (47 U.S.C.
11 534(b)) is amended by adding at the end the following
12 new paragraphs:

13 “(11) **CARRIAGE OF DIGITAL FORMATS.**—

14 “(A) **PRIMARY VIDEO STREAM.**—With re-
15 spect to any television station that is transmit-
16 ting broadcast programming exclusively in the
17 digital television service in a local market, a
18 cable operator of a cable system in that market
19 shall carry the station’s primary video stream
20 and program-related material in the digital for-
21 mat transmitted by that station, without mate-
22 rial degradation, if the licensee for that
23 station—

24 “(i) relies on this section or section
25 615 to obtain carriage of the primary video



1 stream and program-related material on
2 that cable system in that market; and

3 “(ii) permits the cable system to carry
4 without compensation any other broadcast
5 programming that is carried on that sys-
6 tem.

7 “(B) MULTIPLE FORMATS PERMITTED.—A
8 cable operator of a cable system may offer the
9 primary video stream and program-related ma-
10 terial of a local television station described in
11 subparagraph (A) in any analog or digital for-
12 mat or formats, whether or not doing so re-
13 quires conversion from the format transmitted
14 by the local television station, so long as—

15 “(i) the cable operator offers the pri-
16 mary video stream and program-related
17 material in the converted analog or digital
18 format or formats without material deg-
19 radation; and

20 “(ii) also offers the primary video
21 stream and program-related material in
22 the manner or manners required by this
23 paragraph.

24 “(C) TRANSITIONAL CONVERSIONS.—Not-
25 withstanding the requirement in subparagraph



1 (A) to carry the primary video stream and pro-
2 gram-related material in the digital format
3 transmitted by the local television station, but
4 subject to the prohibition on material degrada-
5 tion, until January 1, 2014—

6 “(i) a cable operator—

7 “(I) shall offer the primary video
8 stream and program-related material
9 in the format or formats necessary for
10 such stream and material to be
11 viewable on analog and digital tele-
12 visions; and

13 “(II) may convert the primary
14 video stream and program-related ma-
15 terial to standard-definition digital
16 format in lieu of offering it in the dig-
17 ital format transmitted by the local
18 television station;

19 “(ii) notwithstanding clause (i) of this
20 subparagraph a cable operator of a cable
21 system with an activated capacity of 550
22 megahertz or less—

23 “(I) shall offer the primary video
24 stream and program-related material
25 of the local television station described



1 in subparagraph (A), converted to an
2 analog format; and

3 “(II) may, but shall not be re-
4 quired to, offer the primary video
5 stream and program-related material
6 in any digital format or formats.

7 “(D) LOCATION AND METHOD OF CONVER-
8 SION.—

9 “(i) A cable operator of a cable sys-
10 tem may perform any conversion permitted
11 or required by this paragraph at any loca-
12 tion, from the cable head-end to the cus-
13 tomer premises, inclusive.

14 “(ii) Notwithstanding any other provi-
15 sion of this Act other than the prohibition
16 on material degradation, a cable operator
17 may use switched digital video technology
18 to accomplish any conversion or trans-
19 mission permitted or required by this para-
20 graph.

21 “(E) CONVERSIONS NOT TREATED AS DEG-
22 RADATION.—Any conversion permitted or re-
23 quired by this paragraph shall not, by itself, be
24 treated as a material degradation.



1 “(F) CARRIAGE OF PROGRAM-RELATED
2 MATERIAL.—The obligation to carry program-
3 related material under this paragraph is effec-
4 tive only to the extent technically feasible.

5 “(G) DEFINITION OF STANDARD-DEFINI-
6 TION FORMAT.—For purposes of this para-
7 graph, a stream shall be in standard definition
8 digital format if such stream meets the criteria
9 for such format as specified in the standard
10 recognized by the Commission in section 73.682
11 of its rules (47 CFR 73.682) or a successor
12 regulation.”.

13 (b) TIERING.—Clause (iii) of section 623(b)(7)(A) of
14 such Act (47 U.S.C. 543(b)(7)(A)(iii)) is amended to read
15 as follows:

16 “(iii) Both of the following signals:

17 “(I) the primary video and pro-
18 gram-related content of any television
19 broadcast station that is provided by
20 the cable operator to any subscriber in
21 an analog format, and

22 “(II) the primary video and pro-
23 gram-related content—

24 “(aa) of any television
25 broadcast station that is trans-



1 mitting exclusively in digital for-
2 mat, and
3 “(bb) that is provided by the
4 cable operator to any subscriber
5 in a digital format,
6 but excluding a signal that is secondarily
7 transmitted by a satellite carrier beyond
8 the local service area of such station.”.

9 (c) COMPARABLE REGULATION OF SATELLITE CAR-
10 RIERS.—The Commission shall promulgate regulations for
11 satellite carriers that are comparable to the Commission’s
12 regulations that apply to cable operators under section
13 614(b)(11) of the Communications Act of 1934 (47 U.S.C.
14 534(b)(11)), other than the regulations under subpara-
15 graph (C)(ii) of such section. Such comparable regulations
16 shall—

17 (1) take into account any technological, capac-
18 ity, and system architecture differences between sat-
19 ellite carriers and cable operators; and

20 (2) not mandate carriage in a way that jeopard-
21 izes the availability to subscribers of programming
22 that is already available to them.

23 (d) DEADLINE.—The Federal Communications Com-
24 mission shall revise its regulations to implement the



- 1 amendments made by this section within one year after
- 2 the date of enactment of this Act.



